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lande in Gosnarch of the Lardge measure and of anchient rent of 11s. per annum, paying to Vncle Walter Wentworth, Esq. all dues. To brother Paule also a judgment of £200 in common Pleas against Sir Richard Houghton of Howaghton tower, county Lancaster, Knight, and Barronett to pay £100, provided brother pay debts and give to my mother, if living, and to brethren Peter and Thomas, and to my sister Bruen, rings, and ditto to Uncle Walter Wentworth, to Christian Amias his wife, and sister in law Bridgett Fleetewood. "Item. I doe bequeathe vnto the said Paule Amias halfe the benefit of my now adventure into Virginia as will appeare by bill of adventure nowe left in the handes of my vncle Walter Wentworth." To brother Thomas Amias other half of Adventure to Virginia. Executor: brother Paule Amias. Witness: Robert Fitzhugh.

Savile, 67.

JOHN ANDREWES of Cambridge, merchant. Will 7 September 1609; proved 4 June 1616. Codicil 21 March 1610. Understanding of the death of my son John Andrewes in Virginia. A right in a house in Long Lane, London. Wife Easter. Son William at 21. Sons Francis, Richard, and George. Three daughters Easter, Elizabeth, and Sara Andrewes.

(TO BE CONTINUED)

SOME COLONIAL VIRGINIA RECORDS.

From the Originals, Virginia State Library.

(CONTINUED.)

PETITION OF JAMES BATTY, 1692.

R^t Hono^{ble} Francis Nicholson, Esq., their Ma^{ties} L^t Governour of Virginia.

James Batty of Charles City County in most humble manner sheweth:

That on ye sixth day of this Gen^l Courte, yo^r Hono^{rs} petn^r did humbly acknowledge his late comitted crime in burning One

Anthony Parre of the said County, for which fact, that Hono^{ble} Board (out of their great clemency & goodnesse) were pleased to lay noe larger fine on yo^r Hon^{rs} petn^r than five hundred pounds of tobo. & Casq: (for which lenity & mildnesse, this petn^r in perticular accounts himselfe infinitely beholding to yo^r Hono^{rs} gracious & merciful inclinations towards him). But may it please yo^r Hono^r yo^r petn^r having already payd above foure thousands of tobo. by reason of ye unfortunate action, & having a great Charge of Children to maintayne & diverse Orphans estates to pay, & being heartily & sincerely sorry for his Offence, most humbly entreats yo^r Hon^r to take off ye sd. fine, & yo^r Hono^{rs} petn^r in his future life & behaviour will manifest a sufficient amendem^t of himself, & live as an example of yo^r Hono^{rs} great Charity & Compassion.

And yo^r Hono^{rs} petn^r as in duty bound shall ever pray, &c.

[Endorsed] Batty's pet. June, 1692.

NATURALIZATION OF JOHN FOUNTAIN, 1692.

To His Excellency S^r Edmund Andros, Knt., Their maj^{ties} L^t and Govern^r Gen^l of Virginia.

John Fountain, Humbly Sheweth, y^t whereas by one Act of Assembly made in ye year 1680, It was Enacted y^t it shall and may be lawful for ye governor or commander in chiefe fix ye time or any of his successors governors of this Colony by a publick Instrument under ye broad seal thereof to declare any alien or aliens fforeigner or fforeigners being already settled or Inhabitants of this his Maj^{ties} Colony or such as shal hereafter come for to settle, plant, or reside in it & haveing taken ye oath of allegiance before ye Govern^r or Commander in chiefe for ye time being to be to al intents and purposes fully & compleatly naturalized.

And whereas y^t petition^r is an alien born & hath constantly resided within this government for ye space of twenty yeares at least & is now ready to performe what ye law enjoines him to doe he therefore humbly prayes y^t he may be naturalized accordingly and he shal pray, &c.

[Endorsed] John Fountain's Pet., p. Naturalization. Mar. 17, '92.

[This John Fountain was probably one of the French family of Fontaine, afterwards so numerous represented in Virginia; but his name does not appear in any published account, nor is it otherwise known that any of the Fontaines were in Virginia in and before 1692.]

PETITION OF THOS. WILKINSON, 1692.

To his Excellency S^r Edmond Andros, K^t, then Maj^r L^t & Govern^r General of Virg^a, And to the Hon^{ble} Council of State.

The humble Peticon of Tho. Wilkinson In all humility Sheweth:

That Whereas Mr. Francis Izard* of New Kent County did about twenty yeares agoe build & erect upon Black Creek a Water Mill, wth after ye decease of ye sd. Mr. Francis Izard remained in ye Sole power & disposal of Frances his wife & by her given & granted unto yo^r Excellencies Peticon^r as intermarrying wth her daughter, wth comeing into ye possession of yo^r Peticon^r by vertue of ye s^d Grant yo^r Peticon^r Expended a considerable sum of Tob^a not above four yeares agoe to put her into the capacity & quality of a going Mill—But so it is May it please yo^r Excellency & this Hon^{ble} Council y^t about ten yeares ago Mr. Tho. Claibourn & Mr. Mark Warkman did Build and erect a Water Mill upon ye Same Creek not above a quarter of a mile above ye Mill yo^r Peticon^r stands possessed of: whereof Geo. York is now Leasee, who most unjustly & contrary to all ye Laws of good neighborhood, takes all advantages and at unseasonable times to open his flood gates & Sluces, & so at once & wth great violence to let his water go, thereby to break & carry away ye

* In a fragment of a docket of the General Court appears the title of a suit "William Clopton, the younger, and Joyce his wife *vs.* John Bacon and John Turner, executors of Frances Izard, deceased." William Clopton, of New Kent, married, on January 27, 1718, Joyce Wilkinson, who was doubtless a daughter of Thomas Wilkinson and granddaughter of Francis Izard.

In 1681 Mrs. Frances Izard patented "The Brook" estate in Henrico county (under the name of "Uppenum Brooke"), containing 1,030 acres. In 1725 John Bacon, of New Kent, petitioned the Council for a regrant of this land as having descended to him from the said Mrs. Izard. In 1727 a new grant was issued to him.

damm and waterworks of yo' Peticon' to his great prejudice, detrim' & loss.

The Premises Considered—

Yo' Peticon' in all humility makes his addresses unto yo' Excellency & this hon^{ble} Council, humbly praying y' some expedient may be found out to curb ye exorbitances & unjust practices of ye s^d Geo. York, y' so yo' Peticon' & a Widdow who is herein greatly interested may not be utterly ruined by his unkind accons.

And yo' Peticon' as in duty bound shall ever Pray.

[Endorsed] Wilkinson's pet^a about Mill. March 16, '92.
nothing to be done. Ann^o, 1692.

TEST OATH, 1698.

I do declare that I do believe that there is not any transubstantiation in the Sacrament of the Lord's Supper or in the elements of bread and wine at or after ye Consecration thereof by any person whatsoever.

BARTHO. FOWLER.

April ye 19th, 1698.

R. Wormeley,

Ed^m Hill,

Cha^s Scarburgh,

Aprill ye 21st, 1698.

Rich. Lee.

[Endorsed] Anno. 1698.

C^r Wormeley,

E. Jennings,

P. Heyman.*

Test Oath.

*Peter Heyman, or Hayman, was appointed, by the English Commissioners of the Customs, not long before 1699, Collector of Lower James river. On April 18, 1692, he was appointed one of the deputy post-master-generals for the colonies (*Randolph MSS.*, p 450).

Early in the year 1700 a pirate ship made several captures in Lynnhaven Bay. A small man-of-war, the *Shorham*, Captain Passenger, was in Hampton Roads, and taking on board Governor Nicholson, Peter Heyman and other volunteers, immediately made sail in pursuit. By daylight she got between the Capes and the pirate and an action ensued, on the 29th of April, 1700, which resulted in the capture of the latter. As is shown by his epitaph copied below Heyman was killed during the fight.

In the *Southern Literary Messenger*, IX, 695, is given the following

DEDIMUS FOR ADMINISTERING OATHS, 1698.

Virg^a Sc:

William the Third, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To

Gent: Greeting. We do Authorise and Appoint you and any four or more of You whereof any of you * * * to be one at ye next Court held for ye County of * * * or at any succeeding Court to Administer ye Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, ye Test and the Association mention'd in an Act of Parliament made in ye 7th and eighth Years of our Reign, Intituled An Act for ye Better security of his Ma^{ty} Royal person and Government and ye Oaths for ye due Execution of ye several Offices to ye Sheriff, Undersheriff and Bayliff of the said County, to ye several Constables and Head burroughs of in ye said County, to the Clerk of the said County Court and his deputy, to ye several Coroners, Escheat^r, Survey^r and their deputies in ye said County and to the Indian Interpreter, if there be any of the performance of which you are to make due return to our Secretaries Office at James City.

Witness, our Trusty and Wel beloved Francis Nicholson, Esq^r, our Lieut. and Govern^r Gen^l of our Colony and Dominion

epitaph, copied from a tomb then at "Pembroke," near Hampton, Va., at the site of the old Elizabeth City church:

(Arms)

"This Stone was given by his Excellency
Francis Nicholson Esq. Lieutenant &
Governor General of Virginia in Memory of Peter
Heyman esq. Grandson to Sir Peter Heyman of
Summerfield in ye county of Kent—he was
Collector of the customes in ye lower district of
James River and went voluntarily on board the
King's Ship Shoreham, in Pursuit of a pyrate
who greatly infested this coast—after he had
behaved himself 7 hours with undaunted
courage, was killed with a small shot, ye 29
day of April 1700. In the engagement he stood next
the Governor upon the Quarter deck and was here
honorably interred by his order."

Virg^a at James Town under ye Seal of our Colony this * *
day of * * * 1699, in ye Eleventh Year of our Reign.

Administer Oaths Test and Association to dedimus to ye Civil
Officers in * * * County.

Read in Councill July 8, 1699.

[Endorsed.]

Dedimus to administer Oaths to ye officers, Civil & Military.
1699.

OFFICIAL OATHS UNDER KING WILLIAM.

The Governors Oath.

You shall swear that You will, to the best of your Skill and
Power, so long as you shall continue his Majesty's Lieutenant
and Governor General of his Majesty's Colony and Dominion of
Virginia, faithfully discharge the said Office, and strictly observe
all Acts of Parliament which are now in Force, or shall hereafter
be made, relating to Trade and Navigation in the Plantations.

So help You God.

[Endorsed] Oath of Commander in Chief.

I, A. B., doe Sincerely promise & sweare that I will be faith-
ful & beare true Allegiance to his Majesty King William.

So help me God.

I, A. B., doe sweare y^t I doe from my heart abhor, detest &
abjure as impious & hereticall that damnable Doctrine & position.
That princes Excommunicated or deprived by ye Pope or any
authority of ye See of Rome may be desposed & murthered by
their Subjects or any other w^hsoever. And I doe Declare that
no foreign prince, p^rson, prelate, State or potentate hath or ought
to have any Jurisdiction, power, Superiority, preheminance or
authority Ecclesiasticall or Spirituall wthin this Realme.

So help me God.

The Oath of a Councillour.

You shall swear to be a true & faithfull Serv^t unto ye King's
Ma^{ty} as one of his Councill of State & to be aiding & assisting
to his Excell^{ty} his Ma^{ty}'s Leu^t & Govern^r Generall of Virginia,

you shall in all things to be moved, treated & debated in ye Councill faithfully declare yo' mind & opinion according to yo' heart & Conscience, & shall keep Secret all matters comitted and revealed unto you concerning ye same, & y' shall be treated Secretly in Councill, untill such time as by ye Consent of his Ma^{ties} Lieu^t & Governour Generall & ye full Consent of ye Councill of State there resident or the major part of y^m. Publication shall be made thereof. You shall to your utmost bear faith & allegiance to ye King's Ma^{ty}, his heirs & lawfull Successors, & shall assist & defend all Jurisdiction, preheminences & authorities granted unto his Ma^{ty} & annex unto the Crown ag^t all Foreign Princes, p'sons, prelates & potentates w'soever. And Generally you shall act & doe in all things as a faithfull & true Subject ought to doe to his Ma^{ty}.

So help you God.

The Clerk of ye Gen^l Assembly his Oath.

You shall swear as Clrk. of ye Gen^l Assembly of this his Ma^{ties} Colony & Dominion of Virginia to w^{ch} Office you are appointed by his Excell^{ty} faithfully, justly & uprightly to make true Entries & Journalls of all votes & proceedings in ye s^d Gen^l Assembly as from time to time you shall receive Orders & Directions & you shall in all things according to your best skill & Judgm^t discharge & Execute ye s^d Office & Trust of Clrk. of the Gen^l Assembly.

So help you God.

The Oath of ye Clerk of the Councill.

You shall swear y' you will well & truly Execute ye place of Clerk of ye Councill of this his Ma^{ties} Dominion of Virginia to ye best of your Jedgm^t & knowledge, you shall faithfully Enter all Orders & shall not discover the Secret proceedings of his Excell^{ty} the Govern^r & Councill to any p'son w'soever till ye same be otherwise made Publick, but shall to ye best of yo' understanding doe all things relating to the said place or office faithfully, justly & honestly.

So help you God.

The Oath of a Collector.

I, A. B., of _____ in the Colony of Virginia doe Solemnly swear to doe my utmost that all matters & things contained in an Act of Parliam' made in England in ye Twelfth year of ye reigne of his late Ma^{ty} King Charles ye Second Intituled an Act for Encouraging & encreasing of Shipping & Navigation, and one other Act made in ye Fifteenth year of ye Reigne of ye S^d King Charles ye Second Intituled an Act for ye Encuragem^t of trade, & one Act of Parliam' made in ye twenty second & third yeares of ye Reigne of ye s^d King Charles the Second Intituled an Act to prevent ye planting of tobacco in England and regulating the plantacon trade, and one Act of Parliament made in ye Twenty fifth yeare of ye reigne of ye s^d King Charles the second Intituled an Act for ye Encouragem^t of the Greenland & Eastland trades & for the better securing of the plantacon trade, and one act of Parliam' made in ye Seventh & Eighth yeares of his p'sent Ma^{ties} reign Intituled an Act for the p'venting frauds & regulating abuses in ye plantacon trade, and also all other Acts which have been made for the better regulating & securing ye Plantacons trade shall be punctually & bona fide observed according to the true intent & meaning thereof so farr as appertains to me the Collector of the said District.

So help me God.

The Oath of the Collector of the Virginia Duties.

I, A. B., Collector of ye Virginia Duties in the Precinct of * * * in the Colony of Virginia doe solemnly sweare to doe my utmost that all the matters & things contained in one Act of Assembly made at James City the Eighth day of June, 1680, intituled an Act for raiseing a publick Revenue for the better support of ye Governm^t of this his Ma^{ties} Colony of Virginia, and one Act of Assembly made at James City, the tenth day of October, 1693, Intituled an Act for laying an Imposition on Skins & Furrs for the better support of the Colledge of William & Mary in Virginia. And one Act of Assembly made at James City the Twenty seventh day of April, 1699, Intituled an Act for Lessening the Levy by the Poll & laying an Imposition upon Liquors for and towards the building the Capitall & other pub-

lick uses, & one Act of Assembly made at James City upon the said Twenty-Seventh day of Aprill, Intituled an Act for laying an Imposition on Serv^{ts} & Slaves imported into this Country towards the building the Capitoll and also all other Acts of Assembly which have been made, & are now in force relateing to trade shall be punctually & bona fide observed according to the true intent & meaning thereof as farr as appertains to me the Collector of the Virginia Duties within the District aforesaid
So help me God.

[Endorsed.]

The Oaths under King William.

THE CASES OF FELONY, WHEREIN YE PARTIES ARE NOT
BAILABLE, ARE

1. In respect of ye heinousness of ye offence.
 1. In a charge of Treason ag^t ye Kings person.
Counterfeiting ye Seal.
Falsifying money.
Arson or burning houses.
In a charge of homicide.
 1. In case of a charge of murther, Justices of Peace can not bail, but ye King's Bench may; but doe not in discretion.
 2. In case of manslaughter, though it be se defendendo & soe appear to ye Justices of Peace, they cannot bail ye party accused.
 1. If he confes ye fact upon examination.
 2. If taken with ye manner, if apparently known or manifested, that he killed another.
- But if it be a non liquet, that ye person and ye charge but man slaughter, there it seemes they may bail.

Hales Pl. Co., 98, 99.

June 23d, 1692.

E. CHILTON,* Attor. Gen^l.

*Edward Chilton, who is described in contemporary records as "barrister-at-law," was attorney-general of Virginia in 1692, &c. In 1696 he was appointed advocate and attorney-general of the court of admiralty of Virginia and North Carolina. In 1699 he was in London, and with Rev. James Blair and William Hartwell, wrote *The Present State of Virginia*, published in that year.

All Circumstances Relating to ye death of ye Reverend Mr. John Banister † being duely considered, I am humbly of opinion

† John Banister, naturalist, traveled first in the West Indies and later in Virginia, apparently as a Church of England missionary, as well as for the purpose of investigating the natural history of the colony. During a period of fourteen years prior to his death he corresponded with various learned men in England. In 1680 he sent Ray a lengthy catalogue of Virginia plants which is published in the *Historia Plantarum* (II, 1928), where Ray styles him "*eruditissimus vir et consummattissimus botanicus*." He was an entomologist also, and published various papers in the philosophical transactions. Among his productions were: "Observations on the Natural Productions of Jamaica," "Insects of Virginia," "Curiosities in Virginia," "On Several Sorts of Snails," "Description of the Snake Root," &c.

Rev. John Banister lived in Charles City county as early as 1678. In 1690 he had a grant of lands in Bristol Parish on the Appomattox. He died in 1692, and is commonly stated to have been killed by a fall from rocks on the Roanoke river while on a botanizing trip; but the opinion given in the text and the fact that the Henrico county records for May, 1692, state that Jacob Colson was committed to the charge of the sheriff for the death *per misadventure* of Mr. John Banister, makes it probable that Colson had accidentally shot him. Colson was acquitted.

Rev. John¹ Banister married and left one son, John² Banister. There is a record dated 1697 at Henrico which refers to the lands (near the present Petersburg) of John Banister, son and heir of John Banister, late of Charles City county, deceased. This son was collector of Upper James river in 1724, and vestryman of Bristol Parish in 1735. He married Wilmette —, and had issue:

1. Martha, born February 9, 1732, married Robert Bolling, of "Bollingbrook," Petersburg; 2. Colonel John,³ of "Battersea," Dinwiddie county, born December 26, 1734, died September 3, 1788. He is stated to have been educated in England and bred to the law at the Temple. On his return to Virginia he built "Battersea" near Petersburg, which was his residence during the remainder of his life. Elected to the House of Burgesses in 1765 from Dinwiddie county, he served (with the exception of one session) continuously until the end of the colonial period, and was also a member of all of the Revolutionary conventions. After the formation of the State government he was a member of the Assembly, and of the Continental Congress 16 March, 1778, to 24 September, 1779. In 1781 he served as lieutenant-colonel commanding one of three regiments of State troops under General Lawson, and especially during the invasion of Virginia by Arnold and Phillips, was actively engaged.

Colonel Banister married (I) Patsy, daughter of Colonel Theoderick

that by ye discretion of ye R^t Hon^{ble} L^t Govern^r and Councel
(who have ye authority of ye King's Bench within this Governm^t)
Jacob Colson may be bailed.

June 23d, 1692.

E. CHILTON, Attor. Gen^l.

[Endorsed] Attorney Gen^l Opin: Colson may be bailed June
23d, 1692.

TRANSMISSION OF PUBLIC LETTERS, 1700.

June 18, 1700.

Rec'd of B. Harrison the following Packetts letters, vizt:

One Packett to the Earl of Bellomont, &c.

One Packett to Wm. Penn, Esqr, &c.

One Packett to Nath^l Blackiston, Esq^r, &c.

one Letter to Nath. Blackiston, Esq^r, &c.

Bland, Sr., of "Cawsons," Prince George county, and (II) Anne, daughter of John Blair, of Williamsburg. President of the council.

Children of Colonel John³ Banister (1st marriage): 1. Robert, *d. s. p.*; 2. John, married Elizabeth Hill, daughter of James Parke Farley, and *d. s. p.*; 3. Nathaniel, *d. s. p.*; (2nd marriage) 4. Theoderick Blair,⁴ married Seignora, daughter of Colonel John Tabb, of "Clay Hill," Amelia county; 5. John Monro,⁴ married Mary Burton, daughter of Robert Bolling, of "Centre Hill," Petersburg.

Issue of T. B.⁴ and Seignora (Tabb) Banister: 1. Monro⁵; 2. Tudor⁵; 3. Yelverton⁵; 4. Daughter⁵; 5. Daughter.⁵ In 1889 Mrs. Barksdale, of "Osmore," Amelia county, and Mrs. Wilson were the only surviving grandchildren of T. B. Banister.

Children of John Monro,⁴ and Mary Burton (Bolling) Banister: 1. William C., of Petersburg, served in Confederate States Army and was killed in battle in front of Petersburg, June 9, 1864, married Caroline Lewis, and had issue: John M.,⁶ Mrs. H. Noltenius,⁶ and Mrs. Campbell Pryor,⁶ of Petersburg, and Rev. T. Lewis,⁶ of New York State; 2. Mary Burton,⁵ married German B. Gill, of Sussex county, Va.; 3. Anne M.,⁵ married Wm. M. McCandlish; 4. Dr. Robert B.,⁵ surgeon U. S. N.; 5. Rev. John Monro,⁵ D. D., for many years rector of Protestant Episcopal Church in Huntsville, Ala., married, February 1, 1848, Mary Louise, daughter of General Wm. H. Brodnax, of Virginia, and had issue: Dr. John M.,⁶ and Dr. William B.,⁶ both surgeons in United States Army; 6. Emily C.,⁵ married Commodore H. H. Cocke, U. S. N. and C. S. N.; 7. Euretta B.,⁵ married Chas. Stickney, of Alabama; 8. Augusta⁵; 9. Helen,⁵ married Dr. Robert L. Madison.

one Letter to Ralph Wormeley, Esq^r.

two Letters to Robert Carter, Esq^r.

one Letter to Richard Lee Esq^r.

All wth being being for His Maj^{ty} Service I promise to deliver
to Gawin Corbin, Esq^r, this day or to leave them at his house.
Richard Bayley. Charles X Haynes.

[Endorsed] Rec^d for Publick Letters, pd. 6^s 3^d.

[Enclosures.]

May ye 5th, 1700.

These may Certify that John Fling did Carrey an Express to
Kickquotan for wth he is to have fifteen shillings Sent

To Mr. Benjamin Harrison, ~~for~~ me

Henry Tyler, Sherrief.

These June 3, 1700, paid by B. H.

[Endorsed] Tyler to fling, 15^s.

May ye 19th, 1700.

These may Certify that Jos. Churmeson did Carrey two Ex-
presses to Kickquotan and delivered y^m as directed for wth he is
to have fifteen shillings

To Mr. Benjamin Harrison, These

Henry Tyler, Sherrief.

[Endorsed] Tyler's Note to Chermison, £o. 15. o.

May ye 19th, 1700.

These may Certify that Barrantine Howles did Carrey an Ex-
press to York Towne for Mr. Beverly, for wth he is to have five
shillings.

To Mr. Benjamin Harrison, These.

Henry Tyler, Sherrief.

June 3, 1700, p^d by B. H.

[Endorsed] Tyler's Note to Howells, 5^s.

May ye 30th, 1700.

These may Certify that Nathaniell Newman did Carrey two
Expresses to Co^{ll} Jennings for which he is to have fifteen pence.

To Mr. Benjamin Harrison, These.

Henry Tyler, Sherrief.

June 3, 1700, p^d by B. H.

[Endorsed] Tyler's Note to Newman. ½.

PIRATES IN 1700.

At a Councill held at James City, May the 22, 1700.

Present: His Excellency in Councill.

His Excellency was pleased to acquaint the Councill that by his Orders of the twenty-eighth of the last Moneth for Raising the militia In severall Countyes on the Western Shoar of Chesapeake bay on Occasion of the Pyrates being in Lyn Haven bay; he had directed the said orders to be sent (by the Comander in Chief of Northumberland County) over Potowmeck river to the next officer in the province of Maryland, which said officer he did thereby desire to send the same by Express to his Excellency the Governour of Maryland that he might take such measures for His Maj^{ty} Service as to him should seem proper for the Defence and preservation of that province; but being lately Informed by a Letter from the said Governour of Maryland that the said orders or any Intimation of them had never come to his hands, therefore,

Ordered that inquire be made of the Comanders in Chief of the Militia in the Severall Countyes Through which the Said orders were directed to be sent whether they have obeyed His Excellencies Comands therein, which said Commanders in Chief are forthwith to Certify his Excellency of the truth in the premisses and if the said orders were not sent as Directed through any County the Comander in Chief of that County is to Certify the same together with the Cause of Such failure.

[Endorsed] Order of Council about stopping Express to Maryland, &c.

ORDERS IN REGARD TO ARMS AND THE MILITIA.

Virg^a Sct.

At ye Council Chamber 4th July, 1701.

Present: His Ex^{cy}, Jennings, Lightfoot, Page, Carter and Blair, Esq^r.

1. Ordered that ye Comd^r in chief of each County make strict & publick enquiry of all eminent officers within their county & all others in publick arms are in their County & in whose custody and y^t an account of ye same be forthwith returnd to ye Council

office to be done by ye way of Proclamation that no arms nor ammunition be exported, that all merch^u and dealers that have any Guns, swords, Carabines, pistolls, powder and shell to dispose of that they give an account of ye same to y^e Comd^r in chief of ye County where they live, what quantity and at what price they will dispose thereof, that all be ready at an hour's warning.

2. Ordered that each troop & Comp^a be duly exercised once every fortnight, y^t they appear arm'd & equipt according to Law, and ye Delinqu^u to be punished as the Law directs.

3. Ordered that ye Comand^r in chief order ye several Infer^r officer to return unto him an acc^t of every fifth man in his troop or comp^a that is a young brisk man fit & able to go out upon any emergent Occasion, and that ye Comd^r in chief upon such return make choice of whom they think most proper to be officers upon such emergency, to comand that what companies or forces not exceeding fifty men in every foot comp^a & thirty in a troop of horse.

4. Look out to be kept constantly day & night in ye Counties of * * &c., as by former Orders, &c.

[Endorsed] Council minutes, 3 & 4th July, 1701.

THE POST IN 1701.

May it Please y^r Ex^{cy}:

By this Opportuntty Mr. James Westcomb bearer I could not omitt to pay my humble duty to y^r Ex^{cy}, & to acquaint you y^t in a little time after I rec'd y^r ord^r of Council about settling ye Post I agreed wth John Harris living on ye upper side of Lower Machotique about 3 miles of mee by water and about six by Land, who hath a boat & horses of his own to Convey all Publick pacquetts for a year to Maryland and from Maryland to Williamsburgh. I promised him Three Thousand Pounds of Tobacco & more if it should happen y^t he be obliged to go from his own house to Williamsburgh above Tenn Times in a year. I humbly desire y^r Ex^{cy} directions whether he must set out from Potomack monthly at a certaine day, or only be always ready as occasion offers. I have sent by Coz. Corbin Griffin

above a week agoe my acc^t of Liquers, Servants & Slaves *cum* bills to ye Treasurer, hope haveing been so lately at Town y^r Ex^{ty} will be pleased to excuse my attendance at Williamsburgh in this extreeme * * weather never agreeing wth my Crazy body, am now much out of Ord^r yet cannot Choose but hope this will find y^r Ex^{ty} in perfect health, my own inclination no less then the time prompts mee to wth prosperity to y^e Gen^l Assembly both their Persons & Consultacons all w^{ch} is humbly submitted to y^r Excellency by

Y^r Excellency most faithfull, most humble
& most Obedient Serv^t,

August ye 2d, 1701.

RICH. LEE.

His Ex^{ty} Francis Nicholson, Esq^r.

Cop^d:

Dionysius Wright.

[Endorsed] Cop^d: Lee Esq^r Letter. 2 Augth, 1701.

[TO BE CONTINUED.]

VIRGINIA IN 1638-39.

(Abstracts by W. N. Sainsbury, and copies in the McDonald and De Jarnett Papers, Virginia State Library.)

(CONTINUED)

[The principal subject matters of the papers in this instalment relates to charges of illegal and arbitrary conduct on the part of Governor Harvey and his Council towards Captain Samuel Matthews and Rev. Anthony Panton.

Matthews, John West, John Utye and William Pierce, who were the leaders in the expulsion of Harvey in 1635, had been summoned to England for trial for their participation in that affair.

In May, 1637 (see this Magazine, IX, 180), they presented a petition to the Privy Council complaining that by the order of Governor Harvey their estates in Virginia had been greatly